IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

RFA No.300 of 2000
with RFAs No. 301, 302 & 303 of 2000.

Date of Decision : 22.8.2007

RFA 300 of 2000

Biptu Ram …Appellant

Versus:

LAC & others …Respondents.

RFA 301 of 2000

Dhani Ram & others ……..Appellants

Versus:

LAC & others …Respondents.

RFA 302 of 2000

Mohan Lal ……..Appellant

Versus:

LAC & others …Respondents.

RFA 303 of 2000

Sant Ram and another ……..Appellants

Versus:

LAC & others …Respondents.

***Coram*:**

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1] *No*

RFAs No. 300 to 303 of 2000

For the appellants : Mr. J. L. Bhardwaj, Advocate.
For the respondents: Mr. Ashok Chaudhary, Addl. Advocate General.

Whether reporters of Local Papers may be allowed to see the judgment?

Sanjay Karol, J(Oral).

By way of present appeals, the petitioners have assailed a common award dated 29.2.2000 passed by the District Judge, Solan in respective Land Reference Petitions, details of which are given as under:-

i) Land Reference No. 12-S/4 of 1998,
(RFA 300 of 2000)

ii) Land Reference No. 3-A/4 of 1998,
(RFA 301 of 2000)

iii) Land Reference No. 14-S/4 of 1998,
(RFA 302 of 2000)

iv) Land Reference No. 13-S/4 of 1998,
(RFA 303 of 2000)

For the purposes of construction of Kunihar-Bainjki Hatti-Brahaman Pukhar Shellery Road, the appellants land was sought to be acquired by a common notification dated 13.7.1989 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'). The acquisition proceedings were completed in terms of the award dated 3.1.1995, whereby the compensation payable for acquisition of the appellants' land was awarded by the Collector Land Acquisition at Rs.40,000/- per bigha.

The possession of the appellants' land was taken by the State in December, 1979. even though the acquisition proceedings commenced only in the year 1989.

The land acquired in terms of the notification is as under:-

Land Ref.Petition No.	Area with classification bighas Khasra No.& village		Classification
12-S/4 of 1998	0-17 0-01 0-11 0-04	5/1 13/1 21/1 21/1 Seota	Barani Som Barani Som Barani Dom
3-A/4 of 1998	0-09 3-00 1-05	25/1 25/1 37/1	Ghasni Barani Som Ghasni
14-S/4 of 1998	0-05 0-17 0-09 0-0-08 0-0-06	39/1 49/42/2/1 49/42/2/1 49/42/2/2 49/42/2/3	Barani Som Barani Dom Ghasni Barani Dom Barani Dom
13-S/4 of 1998	0-16	4/1	Barani Som

Aggrieved by the award, the appellants preferred the aforesaid land reference petitions, which were decided in terms of the impugned award, whereby the compensation awarded to the appellants was enhanced from Rs.40,000/- to Rs.96,000/- per bigha.

The State has not filed any appeal against the said award.

At the time of hearing, learned counsel for the appellant fairly stated that the only issue which arises for consideration before the Court is the entitlement of the appellants to the interest on solatium awarded by the

Collector/court, based on the decision rendered by the Apex Court in ***Sunder*** v. ***Union of India*** (2001(7) SCC 211).

This position is not disputed by the State. Consequently, the present appeals are allowed and the award is modified to the extent that the appellants shall be entitled for interest on the solatium in accordance with the ratio of law laid down by the Apex Court in ***Sunder*** (supra). Keeping in view the facts and circumstances of the case, the respondents shall pay the amount in terms of the modified award within a period of three months from today.

August 22, 2007. **(Sanjay Karol)**
(rana) **Judge.**